IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Erkki SOINI et al.

Serial Number: 10/588,861 Group Art Unit: 1797

Filed: May 3, 2007 Examiner: Fritchman, Rebecca M.

For: USE OF TWO-PHOTON EXCITED FLUORESCENCE IN ASSAYS OF CLINICAL CHEMISTRY ANALYTES

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450 July 17, 2009

Sir:

In response to the Restriction Requirement mailed June 19, 2009, Applicants provisionally elect Group I, claims 1-12, with traverse.

The Restriction Requirement should be withdrawn because Groups I, II and III all relate to a single general inventive concept. More specifically, Groups I-III share a special technical feature in the quantification of a clinical chemistry analyte, defined as excluding analytes measured using bioaffinity assays, in a clinical chemistry sample (e.g. blood, plasma, serum, urine or other body fluid) in which the analyte is quantified by two-photon excited fluorescence (TPE). The inventors have discovered TPE is not significantly affected by matrix interferences typically found

in clinical chemistry samples (Specification, page 16, line 16 to page 17, line 10).

PCT Publication WO 03/005030 to Meltola et al. fails to disclose or suggest the use of two-photon excited fluorescence to assay clinical chemistry analytes in a clinical chemistry sample. Instead, Meltola et al. disclose two-photon absorbing pyrromethene boron difluoride dyes and their use in bioaffinity assays. See page 7, line 19 et seq. of Meltola et al.

Reconsideration and withdrawal of the lack of unity restriction requirement are respectfully requested.

It is not believed any fee is required for entry and consideration of this Response. Nevertheless, the Commissioner is authorized to charge Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,

/James C. Lydon/

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